IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.151 OF 2007

1.Popat Gabaji Bhandare, &
2.Dinkar Gabaji Bhandare. ...Applicants.

Versus

The State of Maharashtra ...Respondent.

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Mr.S.K.Shinde, Adv. i/b. Vinod Shah, Adv.for the Applicants.
Mr.Rajesh More, APP, for the State.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : 16th April, 2007.

P.C.:

1. Heard the learned Advocate for the applicants and the learned APP for the State.

2. The applicants-orig.accused Nos.1 & 2 have been convicted under Sections 324 of IPC by the learned JMFC, Pimpalgaon (B) by judgment and order dated 22.4.2002 in R.C.C.No.108 of 1996. By the said judgment and order the learned Magistrate sentenced the applicants to suffer SI for one month and fine of Rs.500/- each, in default SI for seven days. Being aggrieved by the said judgment and order the applicants preferred Criminal Appeal No.15 of 2005. The Adhoc Addl.Sessions Judge,

Niphad by judgment and order dated 28.3.2007 confirmed the conviction and sentence imposed on the present applicants. Being aggrieved thereby, this Revision has been preferred by the applicants.

3. The learned Advocate for the applicants, on instructions, states that the applicants are not challenging their conviction. However, it is prayed that the sentence of imprisonment may be reduced and instead the fine may be substantially increased.

4. The learned APP states that if the fine amount is substantially increased, he does not have any serious objection to period of imprisonment being reduced to the period already undergone by the applicants.

5. In view of the above, the conviction of the applicants is confirmed. However, the sentence of imprisonment is reduced to the period already undergone by the applicants and fine amount of Rs.500/- as imposed by the learned JMFC is increased to Rs.10,000/- each. In case the fine

amount of Rs.500/- as imposed by the learned Magistrate has already been deposited by the applicants, the applicants will have to deposit the remaining fine amount of Rs.9,500/- each. If the fine amount of Rs.500/- has not been deposited by the applicant, then the applicant has to deposit the entire amount of Rs.10,000/- each before the trial Court. On the fine amount being deposited in the trial Court, the applicants - Popat Gabaji Bhandare and Dinkar Gabaji Bhandare shall be released forthwith.

6. Criminal Revision Application is partly allowed.

(SMT.V.K.TAHILRAMANI,J.)